

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BILLY TYLER,

Plaintiff,

vs.

WHEELock HORATIO, District Judge,
Douglas County District Court; KAYLA,
Deputy Clerk District Court Nebraska
Douglas County; and CLERK
SUPREME COURT NEBRASKA,

Defendants.

4:21CV3177

**MEMORANDUM
AND ORDER**

This matter is before the court on its own motion. On September 4, 2021, Plaintiff was ordered to pay the \$402.00 filing fee or submit a request to proceed in forma pauperis within 30 days. (Filing 4.) This order was returned to the court as undeliverable. (Filing 5.) On September 28, 2021, the court ordered Plaintiff to update his address by October 27, 2021, in the absence of which this case would be dismissed without prejudice and without further notice to Plaintiff. (Filing 6.) The court's Memorandum and Order was once again returned to the court as undeliverable, and the court was unable to resend it because there was no forwarding address on record. (Filing 7.) On its own motion, the court then updated the Plaintiff's address pursuant to the Plaintiff's notification of address provided in another case. (See Text Order dated Oct. 25, 2021.) The court then resent to Plaintiff its prior orders regarding payment of the filing fee, submission of a motion to proceed in forma pauperis, and confirmation of his address. (See Text Order dated Oct. 28, 2021.)

Contrary to the court's orders, Plaintiff has failed to pay the filing fee, to submit a motion to proceed in forma pauperis, or to confirm his address.

IT IS THEREFORE ORDERED that Plaintiff's claims against the Defendants are dismissed without prejudice because Plaintiff failed to prosecute this case diligently and failed to comply with this court's orders. The court will enter judgment by a separate document.

DATED this 3rd day of December, 2021.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge